

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
CENTRAL DIVISION

JAMES P. VANDER SALM and)
JESSICA T. VANDER SALM, as Trustees)
of the Judith P. Vander Salm Irrevocable Trust,)
and JUDITH P. VANDER SALM,)
Plaintiffs,)

v.)

BAILIN & ASSOCIATES, INC.,)
the SALISBURY HILL CONDOMINIUM TRUST,)
PETER T. KARASSIK, individually,)
JOHN L. MACKOUL, individually,)
THOMPSON-LISTON ASSOCIATES, INC.,)
PATRICK J. HEALY, individually,)
ROTTI CONSTRUCTION COMPANY, INC.,)
WALTER R. ROTTI, individually,)
ECOTEC, INC.,)
and PAUL J. MCMANUS, individually,)

Defendants.

CIVIL ACTION NO.
4:11-cv-40180-TSH

PLAINTIFFS' MOTION *IN LIMINE*
TO PRECLUDE REFERENCE TO ANY PERSONAL FINANCIAL LOSSES
INCURRED BY DEFENDANTS PETER T. KARASSIK AND JOHN L. MACKOUL
AS A RESULT OF THE SALISBURY HILL PROJECT

Plaintiffs hereby move to preclude any reference at trial to any personal financial losses incurred by any of the defendant principals of Bailin & Associates—those are, Peter T. Karassik and John L. MacKoul. On the basis of his deposition testimony, Plaintiffs anticipate that Karassik in particular may seek to win sympathy from the jury by claiming that he lost a large amount of money in the Salisbury Hill project.

The bases for this motion are Fed. R. Evid. 401 and 403. Any personal losses incurred by a Bailin principal are irrelevant to this case. They may also tend to induce

sympathy for the Defendants, thereby unfairly impacting the jury's assessment of Plaintiffs' damages.

Should this motion be granted, Plaintiffs request that the Court direct counsel to specifically instruct all parties and witnesses before trial to make no reference to any personal financial losses incurred by Karassik or MacKoul as a result of the Salisbury Hill project.

Respectfully submitted by the Plaintiffs,

JAMES P. VANDER SALM,
JESSICA T. VANDER SALM,
and JUDITH P. VANDER SALM

By their Attorneys:

/s/ James P. Vander Salm

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Dated: June 9, 2014

CERTIFICATE OF SERVICE

I hereby certify that on June 9, 2014, I filed this document with the Court's ECF system. This will cause an electronic notice of such filing to be sent to counsel for all parties in this case, which notice shall constitute service upon those parties.

/s/ James P. Vander Salm
James P. Vander Salm